

MEETING MINUTES
Ecological Resources Committee
El Dorado Hydroelectric Project
FERC Project 184 Relicense

April 27, 2004

Attendees: Thomas Cumpston (EID), Paul Creger, Dan Downey (EID), Jake Eymann (EID), Richard Floch (Richard Floch & Associates), Thomas Henie (Kirkwood Meadows Public Utility District), Alice Howard, Cheri Jagers (EID), Pat Johnson (EID), Mark Korkowski (EID), Stafford Lehr (California Department of Fish and Game), Rick Lind (EN2 Resources), Dawn Lipton (U.S. Forest Service), Andee Leisy (Remy, Thomas, Moose & Manley/AKT Development), Harold Meyer (ECORP Consulting), Cheryl Mulder (U.S. Forest Service), Beth Paulson (U.S. Forest Service), Karen Quidachay (EN2), Norbert Rupp (League to Save Sierra Lakes), Chris Shutes, Bill Slightam (EID), Steve Setodeh (EID), Dave Stabenow (EID), Leonard Turnbeaugh (Alpine County), Jann Williams (U.S. Forest Service), Harry Williamson (National Park Service).

The Ecological Resources Committee meeting convened on Tuesday, April 27, 2004, at approximately 9:10 a.m. at the offices of the El Dorado Irrigation District. A welcome was given by Tom Cumpston to all ERC attendees, and introductions were made.

1. Welcome and Introductions

Tom Cumpston introduced Len Marino who is the new Co-Manager of the Hydroelectric Division at the El Dorado Irrigation District. Mr. Marino will be chairing the Ecological Resources Committee meetings for EID and will be relieving Mr. Cumpston of this duty in the future.

2. Update on Settlement Agreement with League to Save Sierra Lakes, et al.

According to Tom Cumpston, no new developments regarding the settlement except for the inability to coordinate the attorneys involved with this issue. The settlement agreement goes into effect when all signatures have been acquired. There has been an exchange between Stephan Volker and EID attorneys regarding a means to have the final four parties execute the agreement. They hope to have a fully-executed agreement by the next meeting of the ERC. In the interim, EID would like the ERC to move forward with certain aspects of the agreement. Specifically, focus was given to the membership of the League to Save Sierra Lakes and the Kirkwood Meadows Public Utilities District into the ERC. Tom Henie confirmed that Kirkwood Meadows would join as an independent agency and not as an affiliate of the League. Mr. Cumpston received a request from Dick Wentzel that the East Silver Lake Improvement Association be admitted as a member to the ERC. They recently had a unanimous vote (albeit five abstentions) to execute the Settlement Agreement. Harry Williamson of the National Park Service wanted to know if they were involved in the collaborative effort. He was informed that Dick Wentzel

acted on their Board and kept the Association fully informed of all settlement proceedings. A motion was made and seconded to include Kirkwood Meadows Public Utilities District as an ERC member. Alice Howard dissented. Because unanimous approval is required, the motion failed. Norm Rupp proposed tabling the groups that still need to execute the Settlement Agreement and have this process done in an efficient manner. Mr. Cumpston indicated that the four parties that have yet to sign are: the Sierra Club, El Dorado County Taxpayers for Quality Growth, EPIC, and the Center for Sierra Nevada Conservation.

3. Sub-Committee Proposal for Use of Fish Fund

EID distributed a cover letter and minutes from Tom Henie showing the proposal that the sub-committee had developed and agreed to. Stafford Lehr indicated we need to stock catchable size fish and trophy size fish. It was discovered that a good fish can be produced in the lake after getting a jump-start from the hatchery operations. This way they are acclimated to the water conditions. Mr. Lehr wants to explore a pen-nearing program regarding the stocking of fish. One of his concerns is vandalism. This is where the resorts come in. For example at the Caples Lake Resort we could have a marketing program and sell pellets to feed the fish. Construction of the pens is the issue. The dollars for these fish involve the cost of constructing these pens and there is always the trophy fish component. Some of the smaller sized fish are going to be phased out if the pen-nearing program is advanced. Fish are going to get more expensive. Right now it is \$2.75 a pound or what the market value will dictate. We need to shift the program into a more independent mode. Tom Cumpston raised the question as to how many pounds or fish per year? Mr. Lehr responded that at \$150,000 over 10 years, Tom Henie had worked out \$15,000 worth of funding at \$2.50 per pound or 6,000 pounds of fish. We are going to get as many fish as we can.

Leonard Turnbeaugh of Alpine County inquired about the funding level year. Mr. Cumpston confirmed that \$150,000 was allotted to Kirkwood Meadows per the settlement. Mr. Turnbeaugh asked whether the defendants would provide funding for the first year, then pay the rest after the Settlement Agreement is signed, so that we do not miss stocking in 2004. Tom indicated that he did not want to hold things up but that we needed to have an enforceable agreement. Stafford proposed that if a facility needs to be constructed, a long-term contract will be developed. This groundwork could proceed without the funding because as he understood it, EID's position is that we need to expedite these situations. Mr. Henie said that a later start in the year on this project could occur. Memorial Day would be a possible start date at least for the groundwork. Mr. Lehr advised that one of the conditions voiced at the meeting was a desire to have fish acclimated to the "wilderness" as in the Mackinaw trout. Because of Mackinaw trout predation, fish are needed that are at least 10 inches in size. We can buy many more finger-length fish, but we want to get them past the predation point. A motion was made and seconded to approve this plan with unanimous vote in favor of the plan.

4. Update on Resource Management and Evaluations Applicable to Settlement Agreement Protection, Mitigation, and Enhancement Measures and Objectives

- **Aquatic Monitoring**

Len Marino addressed this issue. EID's Board recently awarded a two-year contract to ECORP Consulting, Inc., to begin the multi-year aquatic monitoring program. Monitoring program results will, of course, be shared with the ERC. The program will begin shortly. Beth Paulson of the U.S. Forest Service indicated that the Forest Service needs to approve the detailed study plan before the monitoring program began. Mr. Marino stressed that we want to get started on implementing what is in the Settlement Agreement, even though we have not yet received the new FERC license. Mr. Cumpston pointed out that EID does not have hold up the contracting process due to the Settlement Agreement details. Further questions regarding this issue were brought up by Ms. Paulson and Mr. Lehr who indicated that there is a protocol for study plan approval and cited the Mokelumne Hydroelectric Project ERC as an example. A copy of the protocol used for the Mokelumne Project will be provided to EID. Mr. Marino suggested using afternoon sessions of future ERC meetings for subcommittee meetings focused on reviewing monitoring work plans. He appreciated the complexity of the issues being addressed. Mr. Lehr understood the bounds set forth in the Settlement Agreement but suggested that further "tweaking" of implementation work-plans may need to be done.

- **Transportation and Trails Systems Management Plans**

Karen Quidachay from EN2 Resources introduced herself and proceeded to provide background information and introduce the team involved with the steps for project initiation.

Settlement Agreement and USFS 4(e) Conditions

Section 27 of the Settlement Agreement and 4(e) Condition 57 require that EID submit a Transportation System Management plan within one year of license issuance. Likewise, Section 28 of the Settlement Agreement and Condition 58 require a Trails Systems Management Plan. In addition, the licensee shall file 5-year Maintenance Plans for both roads and trails with the FERC after approval from the Forest Service.

The purpose of these plans is to establish the level of licensee responsibility for Project-related roads and trails.

The Forest Service 4(e) Conditions and the Settlement Agreement will guide the content, scope, and methods to complete the Transportation and Trails Plans and the initial 5-Year Maintenance and Reconstruction Plan.

EN2's Team

The team assigned to complete these tasks includes the following professionals:

Karen Quidachay will be Project Manager, heading up the coordination with the team and agencies as needed. She will also compile all required reports.

Rick Lind, Principal of EN2 Resources, will provide project oversight as needed.

Ken Pence, retired USFS, will perform the needs assessment, field review of project roads, and provide technical assistance as needed.

John Kessler, of Kessler and Associates, will perform hydraulic analyses and hydrologic calculations which will include analyzing the flow capacity of existing road culverts calculating peak flows.

Andrew Price will perform GIS analyses and produce the required maps.

The EN2 team is very familiar with the Project 184 Hydroelectric Project Area and the Eldorado National Forest. Many team members have years of experience working in transportation and trails management for the Eldorado National Forest and Project 184 facilities.

Coordination with USFS

As required by Section 27 and 28 of the Settlement Agreement, the Forest Service shall approve both the Transportation and Trails Management Plans before they are submitted to FERC and implemented. To this end, EN2 wants to establish early and regular communication with the Forest Service. EN2 understands that Larry Taylor is the lead for the Transportation Plan and Bill Walker is the lead for the Trails Plan. USFS confirmed.

Given their short field season at the high elevations of the project, EN2 would like to initiate their work as soon as possible. They plan on sending an email of the draft work plan for Forest Service review next week. They expect the Forest Service review to take two weeks, and once complete, we will meet in person to go over the Forest Service comments on the proposed work plan. As soon as the Forest Service input is finalized, EN2 will begin the field work and analysis.

In June EN2 will provide a more detailed presentation and update on the status of the Transportation and Trails Management Plans. Stafford Lehr would like EN2 to coordinate with him or Fish and Game. He can provide a template used on the Mokelumne Project.

- **Carpenter Creek, Alder Creek Fish Screens**

Len Marino informed the ERC that EID has begun discussing solutions with Stafford Lehr for both Carpenter and Alder Creek diversion screens. A field meeting was scheduled for May 12, 2004 for EID and agency personnel to look at the sites and discuss alternatives. Jann Williams of the Forest Service is to be included on all future discussions regarding Carpenter Creek and Alder Creek diversion screens.

- **Lake Aloha trout spill response**

EN2 Resources, Inc has received the contract for implementing a Lake Aloha trout spill and recovery plan. When Lake Aloha fills up with spring snowmelt, water sometimes spills over Dam No. 6 entraining trout over the spillway. The trout congregate in shallow ponds downstream of the dam and feed on mountain yellow-legged frogs. EID committed to rectifying this situation in the Settlement Agreement. Stafford Lehr requested confirmation of EN2's expertise and appropriate licensing. EID hopes that new telemetry to be installed at the dam will reduce or eliminate future likelihood of such spill incidents. In terms of monitoring, Mr. Lehr inquired as to what EID is considering. Mr. Marino advised that when the dam fills up, EID will be proactive with regards to monitoring lake levels and acting early to release enough water to prevent trout spills. EID's contract with EN2 includes having a team of qualified biologists on standby to recover wayward trout in the event of a spill incident. Rick Lind from EN2 indicated that Shelly Hatleberg from the EN2 team will head up this effort for EID.

- **Evaluation of Potential Bald Eagle Nesting Sites Near Silver, Caples, and Echo Lakes**

The U.S. Fish & Wildlife Service asked EID to do a report on the subject of eagle nesting sites near the lakes. This report was necessitated by FERC's request of U.S. Fish & Wildlife Service to issue a letter of concurrence for threatened and endangered species. USFWS did not concur with the conclusions found in the Project 184 Final EIS regarding impacts on the bald eagle. EID ordered EIP Associates to undertake the study and produce a report. The report concluded that no bald eagle nesting sites were found at any of the lakes. EID is confident that EIP's bald eagle technical report provides sufficient evidence that Project 184 does not impact bald eagle nesting. The technical report states that although nesting has not been found at the lakes, bald eagles have been observed there. The report was sent to FERC and USFWS via the Service List and is also posted on EID's Project 184 website.

5. Schedule of Priorities for Project 184 Repairs, Maintenance and Improvement Projects for 2004 and 2005

Mark Korkowski elaborated on the upcoming projects for Project 184 repairs, maintenance, and improvement projects for 2004 and 2005. They are:

- Hazel Creek Tunnel
- Lake Aloha Telemetry/Dam Repairs
- Spillway 20
- Camp 2 Bridge and Slide
- Silver Lake Spillway Automation
- Echo Lake Spillway Automation
- Slide Repairs Flume 6 & 7

Special Use Permit/Road Work
New Canal SCADA Alarms
Install Weather Station
Replace Flume 52
Rebuild Spillway Chutes
Engineering for Flumes 31, 49-50 (concrete flumes)
Engineering Echo Conduit and Tunnel Repairs
Replacement of Deer Fencing Beat One
Fence Camp 5

Mr. Korkowski elucidated on the spillway automation at Silver and Echo Lakes. EID will be able to open and close spillway gates with the SCADA (supervisory control and automated data acquisition) system.

6. Updates and Facility Repairs and Improvements Contributing Towards Settlement Agreement Objectives

• **Canal Bench Slope Stability Analysis Update**

Len Marino provided a status report on the stability analysis for the El Dorado Canal Bench. The original canal at this location was removed and its function has been replaced by the Mill Creek-to-Bull Creek Tunnel. EID and USFS reached a consensus and have agreed to complete a Level II Stability Analysis of the Canal Bench. Tom Koler of USFS was extremely helpful in articulating this conclusion. Carlton Engineering will be handle the technical preparation involved with this project on behalf of EID. Carlton will include grounds 50 feet upslope and 50 feet downslope of the Canal Bench. Cheryl Mulder inquired as to the time frame involved, to which Mr. Marino informed that such geotechnical studies would take about 90 days.

• **Deferral of Mill Creek Diversion Modification**

Mark Korkowski informed that EID plans to defer the Mill Creek Diversion Project until design and engineering analysis can be performed. This project will be postponed until next year.

• **Spillway No. 20 Reconstruction**

EID staff recently met with the Forest Service staff. Dan Downey informed that Owen Engineering & Management Consultants, Inc is finalizing the plans and specifications. Construction contractor bid opening is scheduled for June 17. EID plans to adopt the CEQA document at the July 7 Board meeting. Some lead time is needed for obtaining special equipment (the spillway gates and hydraulic operating system) necessary to complete Spillway 20 reconstruction. There are concerns about the Bull Creek Channel, which may need to be surveyed and evaluated for flow capacity. A field visit is planned for June 30, during which EID and the consultant team plan to present solutions to comments received against the CEQA document.

- **Echo Lake Spillway Gate and Conduit System Repairs**

Len Marino addressed this issue. There are two separate projects with very different timelines here. First, an existing small gate valve located at the spillway will be replaced with an automated slide gate to better accommodate new fish flow requirements under the FERC license and to eliminate unauthorized tampering with the outlet works. Jake Eymann is the project engineer. Second, there is a need to repair the conduit downstream of the dam. Dan Downey is the project engineer.

- **Lake Aloha Dam Maintenance and Telemetry Station Installation**

Jake Eymann described the project. It involves masonry work to repair four of the dams and installing telemetry equipment to monitor the lake level. As stated previously, EID hopes that the telemetry equipment will eliminate spills and thus prevent trout from washing over the spillway. A field visit is planned for June 28, 2004. EID has prepared a project description and is acquiring all necessary permits. The project will begin after Labor Day and should take approximately three weeks to complete.

- **Deer Fencing Plan, Schedule, and Priorities**

Mark Korkowski addressed the ERC regarding details of the deer fencing issues. Presently, EID staff is working to maintain the deer fencing in its present location with "Beat 1" being the area of primary focus. A deer fencing plan will be developed within the next 90 days.

7. Review of Follow-Up Items from February 17, 2004 Meeting

- The subcommittee directed by Tom Henie was set up and developed a proposal for the fish fund.
- FERC confirmed verbally that no amendment to the FERC license will be needed regarding the reconstruction of Spillway 20. EID is building a replacement structure on the site of the former spillway with improvements to flow control necessitated by the Mill-to-Bull tunnel.
- Bill Slightam stated that EID is combining the gauging plan and temperature monitoring plan. Jim Canaday (SWRCB) will be contacted with regards to status on the temperature monitoring sites.
- Deer fencing was covered by Mark Korkowski.
- Canal bench slope stability was previously addressed by Len Marino.
- The Mill Creek Diversion was discussed in previous comments.
- Mark Korkowski recommended visiting the Project 184 website for updates on projects.
- Len Marino previously addressed the scheduling of agency review and approval of the monitoring work plans.
- Tom Cumpston addressed proposals with respect to the League Settlement Agreement.

8. Follow-Up Actions Identified for Next Meeting

- a. Beth Paulson inquired as to anyone having any idea of the license FERC issuance timeline. According to Tom Cumpston, FERC is waiting for the State Board 401 certification, which possibly will occur in May. It is expected that FERC will issue our license within a month thereafter. Considering the environmental documents have been under submission since last fall, they should be ready to issue soon, possibly May or June. Ms. Paulson pointed out that even though the Ecological Resources Committee has been meeting, the Settlement Agreement states that the ERC should meet only after the issuance of the license. She wants to set up a protocol for USFS approval of the monitoring plans. If there are any specific ERC issues requiring Forest Service attendance, please let Ms. Paulson know as soon as possible – preferably 3 to 4 weeks in advance.
- b. Paul Creger expressed his appreciation for the detailed Gantt chart line items regarding the many relicensing implementation tasks. He suggested referencing the Gantt chart line numbers in the ERC meeting agenda. Len Marino indicated that at subsequent meetings, the Gantt chart would be utilized as such and updated.
- c. Len Marino wanted to spend time at the June meeting discussing where we are presently at with various topics (e.g., sampling, monitoring, et al.). Beth Paulson confirmed that the purpose of the ERC is to monitor issues related to the Settlement Agreement.
- d. Stafford Lehr indicated that he would like to speak with Rick Lind in depth about the Lake Aloha trout spill and recovery plan. Mr. Lehr wants a communications protocol in place should any spills occur. He indicated that out of everything that is being done on this project, this is the most sensitive issue. Rick Lind pointed out that there are very stringent guidelines in the plan.
- e. EID will provide updates on important Capital Improvement Plan Projects at future ERC meetings.
- f. Stafford Lehr inquired as to the specific monitoring items to be included in the Lake Aloha trout spill and recovery plan. Mr. Marino will be coordinating with Beth Paulson and other agencies participating in developing the Lake Aloha trout spill recovery plan. Rick Lind has already been talking with Peter Epanchin (USFWS) regarding the monitoring program associated with the work plan. US Fish & Wildlife Service should be included in all information exchanges as if they were a member of the ERC. USFWS is not a signatory to the Settlement Agreement but would appreciate reviewing all pertinent information.
- g. Len Marino suggested that a draft agenda for future ERC meetings would be circulated in advance to allow all ERC members to participate in drafting up the placing items on the meeting agenda.

- h. Stafford Lehr inquired of Mark Korkowski as to whether he had received specifications for the deer fencing. Mark confirmed. Mark is developing a deer fencing plan which will incorporate bridges, etc. He also indicated that they are working on the upper fence from Kyburz to Camp 1. There are logistical issues that need to be discussed with Stafford Lehr, which Mark will indicate on the map.
- i. Beth Paulson would like to discuss protocols for the next agenda. There was discussion regarding the next ERC meeting date. The meeting is now scheduled for June 22 at 10:30 a.m. Mr. Marino proposed to have the meeting on that date as planned, with the afternoon session breaking into sub-committee groups for reviewing monitoring work plans.
- j. Don Pearson has a meeting scheduled with the Forest Service on May 5th regarding a planning document between the Forest Service and the EID's Recreation Department. This aspect of Settlement Agreement implementation will be included on the next ERC meeting agenda.
- k. Stafford Lehr reiterated that with regards to the Settlement Agreement, the CDFG must be kept informed of any developments.
- l. Steve Setodeh indicated that EID will be hiring a Project 184 Coordinator who will help keep the ERC apprised of developments and meetings, track compliance, and act as scribe at ERC meetings. This position will reside in Dr. Setodeh's department and will assist everyone at EID who is involved with Project 184.

The morning session of ERC adjourned at 11:25 a.m. on April 27, 2004. After lunch, a smaller group stayed to hear a presentation given by Harold Meyer of ECORP Consulting, Inc. Mr. Meyer presented an update on Project 184 using the OASIS operations model. The OASIS model is a planning tool utilized by EID for predicting end-of-month reservoir storage totals, as well as other hydrologic operating parameters.

Next Meeting

The next meeting of the Ecological Resources Committee will be held at 10:30 a.m. on June 22, 2004 in the Board Room of the El Dorado Irrigation District.